

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT MISSOURI
JOPLIN DIVISION**

WILLIAM HOWARD,)
Plaintiff,)
v.) Case No. 3:19-cv-05068-SRB
HBC SERVICES, INC.,)
Defendant.)

**PLAINTIFF'S FIRST AMENDED MOTION FOR A JUDGMENT DEBTOR
EXAMINATION**

Plaintiff, WILLIAM HOWARD ("Plaintiff and Judgment Creditor"), through counsel, and pursuant to Missouri Supreme Court Rule 76.27 and this Court's July 13, 2020 Order (Doc. No. 17) hereby respectfully moves this Honorable Court for a Judgment Debtor Examination of Charles Henry,¹ as manager of Defendant, HBC SERVICES, INC. ("Defendant and Judgment Debtor"). In support of this First Amended Motion, Plaintiff states the following:

On June 3, 2020, this Honorable Court entered an Order granting Plaintiff's Motion for Default Judgment. (Doc. No. 13). Judgment was entered in favor of Plaintiff and against Defendant in the amount of \$5, 362.50. *Id.*

On June 3, 2020, in an attempt to execute this Judgment upon Defendant, Plaintiff electronically sent a copy of the Order granting Plaintiff's Motion for Default Judgment to Defendant's Chief Executive Officer and owner Henry Charles via e-mail at chenry@hbcservicesinc.com.

¹ Charles Henry is Defendant's Chief Executive Officer and owner. See <https://ecorp.sos.ga.gov/BusinessSearch/BusinessInformation?businessId=1363911&businessType=Domestic%20Profit%20Corporation&fromSearch=True> (accessed on July 8, 2020).

To date, Defendant has not responded to Plaintiff and Defendant has failed to satisfy this Judgment.

Therefore, Plaintiff moves this Honorable Court for a Judgment Debtor Examination of Mr. Henry, as Chief Executive Officer and owner of HBC SERVICES, INC., by which Plaintiff can identify specific assets, real and/or personal property of the Judgment Debtor, which may be available to satisfy Plaintiff's Judgment. Furthermore, Plaintiff hereby requests this Honorable Court to order Mr. Henry to produce the following documents at the Judgment Debtor Examination scheduled by this Court:

1. Any and all documentation regarding Defendant's corporate structure, including but not limited to Defendant's articles of incorporation, any and all documents sent to the Secretary of State in Georgia to obtain a license or other authorization to conduct business in that state, and an organizational chart of Defendant's company including the names of all corporate officers and employees;
2. Any and all checking and savings account statements held in the name of Charles Henry and/or HBC SERVICES, INC. from June 11, 2008 to present, including but not limited to general accounts, corporate accounts, business accounts, trust accounts, and savings accounts;
3. Any and all ledgers or accounting information relating in any way to Charles Henry and/or HBC SERVICES, INC., its subsidiaries, and any other company owned or controlled by Charles Henry and/or HBC SERVICES, INC.;
4. Any and all documents evidencing federal and state taxes paid or filed from the years 2008 to present on behalf of Charles Henry and/or HBC SERVICES, INC.;
5. Any and all W-2 statements from 2008 through 2019 for all employees and/or agents of Defendants;

6. Any and all statements, receipts, or any other documents of any petty cash, or similarly named funds, used in connection with Charles Henry and/or HBC SERVICES, INC. from the years 2008 to present;
7. Any and all certificates of ownership, including deeds, titles, certificates of stock, etc., evidencing any ownership of assets, real property, or other assets that are owned by Charles Henry and/or HBC SERVICES, INC.;
8. Copies of any quarterly, monthly or other statements for any stocks, mutual funds, or other equities owned by Charles Henry and/or HBC SERVICES, INC.;
9. Copies of all documents evidencing payments of dividends or profit shares to the shareholders, owners, and/or subsidiaries of Charles Henry and/or HBC SERVICES, INC.;
10. Any and all written documents related to all leases, entered into and/or contemplated, in connection with any real property owned by Charles Henry and/or HBC SERVICES, INC.;
11. Documents evidencing any transfer of real or personal property from any account owned by Charles Henry and/or HBC SERVICES, INC. into a trust; corporate or business operating account; or any other account wherein Charles Henry and/or HBC SERVICES, INC. is not the named account holder yet maintains access and/or control over the account;
12. Any and all documents relating to any vehicles owned operated, maintained, leased, or otherwise used by Charles Henry and/or HBC SERVICES, INC. for any purpose;
13. Copies of any and all lawsuits, of any kind or nature, wherein Charles Henry and/or HBC SERVICES, INC. (or any similar name, spelling, or shell corporation relating to Charles Henry and/or HBC SERVICES, INC.), is named as either a Defendant or Plaintiff, from the years 2008 to present;
14. Copies of any and all expense reports, including inventory ledgers, accounting expense sheets, book keeping records, receipts, credit card transcripts, or any other records, that

indicate the currently monthly expenses and/or income/cash flow of Charles Henry and/or HBC SERVICES, INC., and any other business enterprise owned by Charles Henry and/or HBC SERVICES, INC., from the years 2008 to present; and

15. All minutes and/or notes taken by Defendant's representatives at its board/owners/shareholders' meetings, not including those taken by Defendant's attorneys regarding pending or anticipated litigation.

THEREFORE, Plaintiff, WILLIAM HOWARD, respectfully requests this Honorable Court to enter an Order requiring a Judgment Debtor Examination of Charles Henry, as Chief Executive Officer and owner of HBC SERVICES, INC., pursuant to Missouri Supreme Court Rule 76.27 by which Plaintiff can identify specific assets, real and/or personal property of the Judgment Debtor, which may be available to satisfy Plaintiff's Judgment, and for Defendant to produce the above-mentioned documents at the Judgment Debtor Examination scheduled by this Court.

RESPECTFULLY SUBMITTED,

August 6, 2020

By: /s/ Taylor L. Kosla
Taylor L. Kosla
IL Bar No. 6327180
4809 N. Ravenswood Avenue, Suite 419
Chicago, IL 60640
312-224-4695 – office
312-253-4451 – facsimile
taylor@agrusslawfirm.com
Attorney for Plaintiff
Admitted Pro Hac Vice

PROOF OF SERVICE

I, Taylor Kosla, state the following:

I am employed in Chicago, Illinois. I am over the age of 18, and am not a party to this action. 4809 N Ravenswood Ave, Suite 419, Chicago, IL 60640. On August 6, 2020, I served the following documents:

PLAINTIFF'S FIRST AMENDED MOTION FOR A JUDGMENT DEBTOR EXAMINATION

On the parties listed below:

HBC Services, Inc.
6888 Cheswick Drive
Riverdale GA 30269

By the following means of service:

- BY MAIL:** I deposited the envelope in the mail in Chicago, Illinois. The envelope was mailed with postage fully prepaid. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document was deposited with the U.S. Postal Service on this date with postage fully prepaid in Chicago, Illinois, in the ordinary course of business.
- FEDERAL:** I declare under penalty of perjury under the laws of Illinois that the above is true and correct.

By: /s/ Taylor Kosla
Taylor Kosla